

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2702

CORRECTED

IN THE MATTER OF:

Served May 13, 1985

Application of CLARENCE B. NELSON,)
t/a MINI-BUS LIMOUSINE AND SCHOOL)
BUS SERVICE, for Temporary)
Authority to Conduct Charter)
Operations)

Case No. AP-85-07

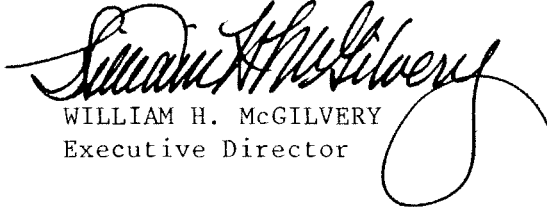
In Order No. 2702, served May 9, 1985, the number "19" contained in Ordering Paragraph No. 2 should have been "29." That paragraph is hereby corrected to read:

2. That, upon compliance with the requirements of the preceding paragraph and acceptance of the above-specified materials for filing, the temporary authority granted applicant by Order No. 2681, served March 8, 1985, shall be amended to provide for the transportation of passengers and their baggage, in charter operations, between points in the Metropolitan District, restricted to service performed in vehicles with a manufacturer's designed seating capacity of 29 passengers or less, not including the driver.

Otherwise, Order No. 2702, served May 9, 1985, remains in full force.

IT IS SO ORDERED:

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2702

IN THE MATTER OF:

Served May 9, 1985

Application of CLARENCE B. NELSON,)	Case No. AP-85-07
t/a MINI-BUS LIMOUSINE AND SCHOOL)	
BUS SERVICE, for Temporary)	
Authority to Conduct Charter)	
Operations)	

On February 4, 1985, applicant filed for temporary authority. Although the authority sought was unrestricted as to vehicle size, the application showed that applicant had two vehicles -- one seating 14 and the other 19. On February 7, 1985, by Order No. 2662, we gave notice of the application, noting the two vehicles of applicant. On February 14, 1985, applicant amended its application to restrict service to vehicles seating 29 or less. As a result of this restriction, Gold Line, Inc., agreed not to protest the application.

The amendment was accepted, but applicant still owned only the 14- and 19-passenger vehicles. On March 8, 1985, by Order No. 2681, we granted this application "restricted to service performed in vehicles with a manufacturer's designed seating capacity of 19-passengers or less, not including the driver". In so doing we said:

We recognize that the applicant may plan to acquire larger equipment at some future time, but such an acquisition should not be made on the strength of a 180-day grant of temporary authority, which carries no presumption of a grant of permanent authority.

Temporary authority became effective March 20, 1985, to continue in effect through September 15, 1985, unless otherwise ordered by the Commission.

Notwithstanding our admonition, it appears that applicant has secured financing and placed an order for a 29-passenger vehicle. On April 26, 1985, applicant filed a request that its temporary authority be modified to permit it to operate that vehicle. Applicant submitted two letters (one sworn, one not) from clients indicating a definite need for service in a 29-passenger vehicle and strong support of applicant's request for permission to use it.

As this application was and is unprotested, since applicant has already met its burden of proof under the temporary authority provision

of the Compact, since it appears that applicant has decided to risk purchasing a vehicle under the existing circumstances, and since applicant's clients require the service of such a vehicle, we shall, in our discretion, grant applicant's request to modify its temporary authority to accommodate the new vehicle.

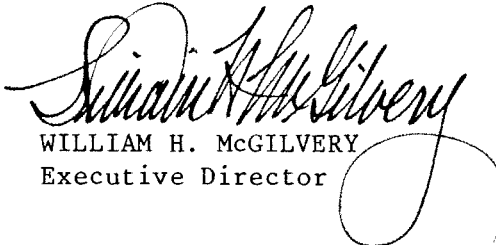
THEREFORE, IT IS ORDERED:

1. That Clarence Nelson t/a Mini-Bus Limousine and School Bus Service is hereby directed to file with the Commission (a) two copies of an affidavit certifying compliance with Commission Regulation No. 68-03 governing identification of vehicles, (b) two copies of a tariff in the form prescribed by Regulation No. 55 applying to operations to be conducted under temporary authority, and (c) three copies of a certificate of insurance evidencing the existence of security for the protection of the public in the amounts required by Regulation No. 62-03, as amended.

2. That, upon compliance with the requirements of the preceding paragraph and acceptance of the above-specified materials for filing, the temporary authority granted applicant by Order No. 2681, served March 8, 1985, shall be amended to provide for the transportation of passengers and their baggage, in charter operations, between points in the Metropolitan District, restricted to service performed in vehicles with a manufacturer's designed seating capacity of 19 passengers or less, not including the driver.

3. That the said temporary authority shall expire 12:01 a.m., September 16, 1985, unless otherwise ordered by the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director